

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
v.) Case No. 1:13-CR-55
JERMANY S. CLAUS)) COLLIER/CARTER

REPORT AND RECOMMENDATION

A November 20, 2013, letter from the Warden of the Federal Bureau of Prisons, Federal Correctional Complex in Butner, North Carolina and a Forensic Evaluation of defendant were received by the undersigned Magistrate Judge. It is the opinion of the examiner that defendant "does not suffer from a mental disease or defect and is unable to understand the nature and consequences of the proceedings against him and to properly assist in his defense. He is competent to proceed. It is also the opinion of the evaluator that, at the time of the offense, he was able to appreciate the nature quality or the wrongfulness of his actions." (Doc. 23 at 1).

A Notice of Waiver of Competency Hearing signed by defendant was filed on December 26, 2013. The Court therefore RECOMMENDS on the basis of the waiver and the Evaluation that defendant be found competent to stand trial.¹

S / William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE

¹Any objections to this Report and Recommendation must be served and filed within fourteen (14) days after service of a copy of this recommended disposition on the objecting party. Such objections must conform to the requirements of Rule 59(b)(2) of the Federal Rules of Criminal Procedure. Failure to file objections within the time specified waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 88 L.Ed.2d 435, 106 S.Ct. 466 (1985). The district court need not provide *de novo* review where objections to this report and recommendation are frivolous, conclusive or general. *Mira v. Marshall*, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. *Smith v. Detroit Federation of Teachers*, 829 F.2d 1370 (6th Cir. 1987).